

AGENDA DOCUMENT NO. 03-76

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, OCTOBER 9, 2003

PRESENT: Ellen L. Weintraub, Chair, presiding
Bradley A. Smith, Vice Chairman
David M. Mason, Commissioner
Danny L. McDonald, Commissioner
Scott E. Thomas, Commissioner
Michael E. Toner, Commissioner
Robert J. Costa, Deputy Staff Director
for Audit and Review, representing
James A. Pehrkon, Staff Director
Lawrence H. Norton, General Counsel
Mary W. Dove, Secretary

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, October 9, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for September 25, 2003

Agenda Document No. 03-71

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve the Minutes
for the Open Meeting of
Thursday, September 25, 2003,
as submitted in Agenda
Document No. 03-71.

The motion carried on the vote of 6-0 with
Commissioners Mason, McDonald, Smith, Thomas, Toner,
and Weintraub voting affirmatively.

II. ADVISORY OPINIONS

A. Draft Advisory Opinion 2003-23

Women Engaged in Leadership, Education, and
Action in Democracy ("WE LEAD") by counsel,
Joseph E. Sandler and Neil P. Reiff

Agenda Document No. 03-72

Chair Weintraub recognized Vice Chairman Smith,

who

MOVED to suspend the rules on
the timely submission of agenda
documents in order to consider
Agenda Document No. 03-72.

The motion carried on the vote of 6-0.

The Chair recognized Mr. Robert Knop of the
General Counsel's Office who presented draft Advisory
Opinion 2003-23, concerning the application of the Federal
Election Campaign Act of 1971, as amended ("the Act"), and
Commission regulations to the earmarking, collection, and
forwarding of contributions from individual donors to the
presumptive Democratic Presidential nominee.

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II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2003-24

National Center for Tobacco Free Kids
("NCTFK") by counsel, Michael B. Trister

Agenda Documents No. 03-73
and No. 03-73-A

Chair Weintraub recognized Vice Chairman Smith,

who

MOVED to suspend the rules on
the timely submission of agenda
documents in order to consider
Agenda Documents No. 03-73 and
No. 03-73-A.

The motion carried on the vote of 6-0.

Chair Weintraub recognized Mr. Jonathan Levin

of the General Counsel's Office who presented draft

Advisory Opinion 2003-24 and a proposed alternate draft,

concerning the application of the Federal Election Campaign

Act of 1971, as amended ("the Act"), and Commission

regulations to the use of contributor information contained

in the disclosure reports that candidate and other political

committees file with the Commission.

B. Draft Advisory Opinion 2003-24
(continued)

On Page 3, Line 4, insert the parenthetical statement "(including public health groups and anti-tobacco organizations)" after the word "organizations."

MOVED to approve Draft B of
Advisory Opinion 2003-24, as
submitted in Agenda Document
No. 03-73-A, subject to the
amendment noted above.

The motion carried on the vote of 5-1 with
Commissioners Mason, McDonald, Smith, Thomas, and Toner
voting affirmatively. Commissioner Weintraub dissented.

III. ROUTINE ADMINISTRATIVE MATTERS

There were no routine administrative matters
to come before the Commission.

The meeting adjourned at 12:15 P.M.

Signed:

Ellen L. Weintraub
Chair of the Commission

Attest:

Mary W. Dove
Secretary of the
Commission